



THE CITY OF NEW YORK
LAW DEPARTMENT

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Having considered the correspondence at ECF Nos. 35 and 37 and the parties' arguments during today's conference, the Court hereby vacates the Mediation Referral Order at ECF No. 11.

The Clerk of Court is directed to terminate ECF Nos. 35 and 37.

SO ORDERED.

Jennifer H. Rearden, U.S.D.J.

Dated: January 6, 2025

January 6, 2024

BY ECF

Honorable Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Josephine Tell v. West 73rd Street et al., 24 Civ. 07161 (JHR)

Your Honor:

I am an Assistant Corporation Counsel in the office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and assigned to the defense of the above referenced matter on behalf of Defendants City of New York and Jose Vargas. Defendants write to respectfully request that Your Honor grant them relief from the October 18, 2024 Order requiring them to attend mediation. (See ECF Dkt. No. 11).

By way of background, Plaintiff alleges that she was discriminated against and unlawfully evicted by the owner of her privately owned apartment building. By letter dated, November 19, 2024, Defendants requested an enlargement of time until January 14, 2025 to respond to Plaintiff's complaint. Your Honor subsequently granted this request. (See ECF Dkt No. 32).

Defendants intend to file a motion to dismiss Plaintiff's complaint on January 14, 2025, as plaintiff's complaint fails to state a claim. Should Defendants motion be successful it would dispose of the entire action. As such, Defendants do not wish to participate in mediation at this time and seek to be relieved from the Court's October 18, 2025 Order.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Christine Colalillo

Christine Colalillo

Assistant Corporation Counsel

Special Federal Litigation Division

cc: **By ECF**
All counsel of record